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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,007	12/14/2000	Gregory Lee Harrington	AUS920000654US1	8241

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EXAMINER

KANG, INSUN

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 11/21/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,007

Applicant(s)

HARRINGTON, GREGORY LEE

Examiner

Insun Kang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The priority date for the application is 12/14/2000.
2. This action is responding to application papers dated 12/14/2000 and 3/5/2001.
3. Claims 1-15 are pending.

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The abstract of the disclosure is objected to because the first sentence of abstract contains an improper expression "in an exemplary embodiment." In line 4, the meaning of the term "pages" is unclear. Correction is required. See MPEP § 608.01(b).

6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The title "Application alignment" is suggested to change to "Aligning applications for browser compatibility." Appropriate correction is required.

7. The use of the trademark JAVASCRIPT and JAVA has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

Claim Objections

8. Claims 11-14 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

In regards to claim 11, as the system code cannot be both Java and JavaScript, there is no further limitation for claim 11. As per claims 12-14, these claims are objected for dependency on the above rejected parent claim 11

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 5, 6, and 11-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claim 11, although both Java and JavaScript are programming languages commonly seen on the Web, they are two very different things. Java needs to be compiled before use, then referred to with <APPLET> tags in an HTML file while JavaScript can be written directly into an HTML file between <script> tags. While the browser downloads the applets and displays the results, the browser interprets the JavaScript along with the HTML file and displays the results. For the claim 11, the system code cannot be both Java and JavaScript. Therefore, it is unclear as to what is said system support code in claim 11 further limited.

In regards to claims 12-14, these claims are rejected for dependency on the claim 11.

In regards to claim 5, it is unclear to what the term application screen is referring. It is interpreted as a linkable web page.

In regards to claim 6, this claim is rejected for dependency on the claim 5.

11. Claims 2-4 and 7-13 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are:

In regards to claims 2-4 and 7, although, in the specification, it is mentioned that "the screen features are separated into cosmetic only features and navigational features, and a "check is made to determine if the feature is correctly displayed (page 7,

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line 10-20, the examiner interpreted that this checking is done visually),” the specific method/steps of this checking to determine the screen features and their correctness of display in design time is/are not disclosed in the specification in order to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In regards to claims 8-13, these claims are rejected for dependency on the claim 7.

Correction is required.

12. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

13. Claims 2, 4, and 7-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In regards to claims 2, 4, and 7, although the purpose of re-coding is said, “to conform to Java 1.1.8 (pg 6, ln 25),” the specific method of re-coding is not included in the specification in order to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In regards to

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claims 8-13, these claims are rejected for dependency on the claim 7. Correction is required.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

15. (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

16. Claims 1-13 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Massena et al. (U.S. 6,035,119).

In regard to claim 8:

Massena et al. disclose :

The method as set forth in claim 7 wherein said replacement code is Hyper Text Mark-up Language (HTML) (col 2, lines 44-65; col 3, lines 31-37).

In regard to claim 7, this claim is another version of the claimed method discussed in claim 8, wherein all claim limitations, also have been addressed and/or covered in cited areas as set forth the above. Therefore, accordingly, Massena et al. anticipate this claim.

In regards to claim 13:

Massena et al. disclose :

The method as set forth in claim 12 wherein said earlier version is Java 1.1.8 (col 10, lines 32-35; col 15, lines 22-28).

In regards to claim 9-12, these claims are another versions of the claimed method discussed in claim 13 above, wherein all claim limitations also have been addressed and/or covered in cited areas as set for the above, including "Java 1.1.8" (col 10, lines 32-35; col 15, lines 22-28). As per claims 11 and 12, JavaScript is interpreted as Java 1.1.8 since the system support code cannot be both Java and JavaScript. Thus, accordingly, Massena et al. also anticipate these claims.

In regards to claim 2, this claim is another version of the claimed method discussed in claims 7-13, wherein all claim limitations, except that the replacement coding is for specifically navigational features, also have been addressed and/or covered in cited areas as set forth the above. Massena et al. disclose the replication of the "alternative formats to be handled by the design-time controls" in order to "accommodate all types of web browsers (col 5, lines 20-38)". Navigation facilitates movement from one web page to another web page (e.g. keeping a history of where the user has been). Navigational access (e.g. following links) is the essence of hypertext. Therefore, the design time control must include a navigational function to be inserted into a web page and therefore have a functionality that handles alternative formats of navigation such as providing more generic (e.g. HTML) or earlier version so as to accommodate all types of web browsers. Therefore, accordingly, Massena et al. anticipate this claim.

In regards to claim 3, Massena et al. disclose authoring web content and allowing the “replication of alternative formats to be handled by the design-time controls (col 5, lines 20-38)”. When authoring web content, it is common practice to provide a text-only alternative to the graphics for browsers not supporting graphics. In this case, any incompatible graphics (e.g. style, appearance) are removed from HTML markup by the design time controls. Therefore, for non-supporting browsers, the style control is commented out in the HTML manner and accordingly, Massena et al. anticipate this claim.

In regards to claim 4, see the rejection of the claim 2 above.

In regards to claim 1, this claim is another version of the claimed method discussed in claims 2 and 3, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth the above. In claims 2 and 3, the navigational features are re-coded while cosmetic features are removed. Therefore, it is inherent that modifying the navigational features and the cosmetic features are modified separately and accordingly, Massena et al. anticipates this claim.

In regards to claim 5:

It is obvious that the number of application screens must be predetermined so that the examining process for the next available screens and features, including separating the screen features will not be performed indefinitely. Massena et al. disclose that, in an editable form, the design-time information (including navigational and cosmetic features) is read and edited as necessary (col 11, lines 61-67; col 12,

lines 47-52). It is inherent that the reading can be done at least one screen and/or feature at a time. Therefore, accordingly, Massena et al. anticipate this claim.

In regards to claim 6, see the rejection of the claim 5 above.

In regards to claim 15, see the rejection of claims 1 and 5 above.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Massena et al. (U.S. 6,035,119) and further in view of Eldridge et al. (U.S. 6,094,721).

In regards to claim 14, Massena et al. anticipate a method for conforming application software features to system support code but do not specifically show the application software is a password processing program.

Eldridge et al. show that the application software is a password processing program (abstract; col 5, lines 23-53) so that the functionality of setting a password can be delivered conforming various versions of the program to certain OS environments without denial of access to the server process.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to incorporate the teaching of Eldridge et al. to

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the method of Massena et al. The modification would be obvious because the functionality of password processing program can be delivered accordingly conforming various versions of the program to certain OS environments. As a result, the denial of access to the server process and unauthorized access can be prevented.

Double Patenting

19. Claims 1-4, 7, 8, and 15 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 8, 9-11, 17, and 18 of copending Application No. 09/725,997 (Pub. No. 2002/0092007). Although the conflicting claims are not identical, they are not patentably distinct from each other because they cover the same subject matter although different application tools such as JavaScript 1.2 and Java 1.1.8. are demonstrated.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

The claims of the two patent applications correspond as follows:

09/737007	1	2	3	4	7	8	15
09/725,997	1, 2, 8, 17, 18	1, 9-11, 19	1,8, 18	1, 9-11, 19	11, 15, 16	11, 15, 16	1,2,8, 17,18

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 703-305-6465. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 703-305-9662. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

IK

11/4/2003



JOHN CHAVIS
PATENT EXAMINER
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